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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,017	07/20/2001	David H. Hanes	10010903-1	3500

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EXAMINER

ZHOU, TING

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/911,017	HANES, DAVID H.
	Examiner	Art Unit
	Ting Zhou	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

BA HUYNH
PRIMARY EXAMINER

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2, 3

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because the following reference characters are not labeled in an appropriate descriptive manner: reference characters “32” and “34” in Figure 1 and reference characters “301-305” and “310-330” in Figure 3.

2. Applicant is required to submit a proposed drawing correction of the above noted deficiencies in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Objections

3. Claims 2, 8 and 15 are objected to because of the following informalities: the acronyms “VOB” and “UDF” should be defined in the claims before it is used as an abbreviation. It is suggested that the applicant change the claims to -- ...wherein the formatting is performed utilizing one of the group consisting of Video Object Format (VOB) and Universal Disc Formats (UDF)... --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dimitrova et al U.S. Patent 6,137,544.

Referring to claims 1, 7 and 14, Dimitrova et al. teach a method and system comprising a processing module and scene detection information storage logic operatively associated with the processing module (column 4, lines 29-37 and shown by reference character “210” in Figure 2A) and operable to identifying scene candidates from received video data (detecting significant scenes from the video content during the video analysis process) (column 2, lines 51-58), formatting the scene candidates for storage on optical storage media (selecting keyframes,

representative of the scenes and storing them in a visual index on a storage media such as a DVD) (column 2, lines 37-38 and 58-65), the optical storage media having a recordable capacity (such as a DVD, CD or tape, which can be recorded) (column 2, lines 37-38), and storing the formatted scene candidates on the optical storage media in a media structure without reducing the recordable capacity (creating visual index while recording a tape) (column 3, lines 34-38).

Referring to claims 2, 8 and 15, Dimitrova et al. teach the formatting performed utilizing one of the group consisting of VOB and UDF formats (storing the data structure in numerous formats, such as MPEG, JPEG, or the like, which could include VOB and UDF, which are just types of data structures) (column 2, lines 66-67, column 3, lines 1-4 and 44-54).

Referring to claims 3, 9 and 16, Dimitrova et al. teach receiving video data from one of the group consisting of a video camera, video recorder, and a digital data stream (for example, video data from a tape or DVD) (column 1, lines 61-63).

Referring to claims 4, 10 and 18, Dimitrova et al. teach the media structure comprises disc control blocks on the optical storage media (storing the index on a DVD) (column 2, lines 66-67 and column 3, lines 1-4).

Referring to claims 5 and 11, Dimitrova et al. teach indexing the scene candidates after storing the scene candidates (creating a visual index from selectively chosen keyframes) (column 2, lines 59-65).

Referring to claims 6, 12 and 17, Dimitrova et al. teach the formatting includes indexing the scene candidates into a menu (table of contents) system (indexing the scenes into a visual index, or table, which can be displayed to and selected by the user) (column 1, lines 56-60 and column 13, lines 26-35).

Referring to claims 13 and 19, Dimitrova et al. teach the logic implemented using software residing on a computer-readable medium (column 4, lines 29-37 and column 13, lines 25-28).

Referring to claim 20, Dimitrova et al. teach the logic operable to generate a list of scene candidates (visual index or table of contents) (column 1, lines 56-62).

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar systems and methods for storing and formatting video content for indexing into specific points in the video stream.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703)305-0328. The examiner can normally be reached on Monday - Friday 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 3, 2004

BAIUYNH
PRIMARY EXAMINER